

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor:** Zhang et al.

**Examiner:** Rhonda L. Murphy

**Serial No:** 10/035,846

**Art Group:** 2616

**Filing Date:** December 24, 2001

**Docket No:** 13166RRUS01U

**Title:** WALSH CODE MANAGEMENT IN A CODE DIVISION MULTIPLE  
ACCESS CELLULAR WIRELESS COMMUNICATION SYSTEM

Date: November 4, 2008

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Sir:

Responsive to the Notification having a mailed date of October 24, 2008, enclosed is a replacement sheet for page 6, entitled "C. Status of the Claims," which has been amended to contain a statement of the status of all claims (cancelled). This section has been updated to reflect that Claims 1-22 have been cancelled without prejudice.

If any issues arise, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [ksmith@texaspatents.com](mailto:ksmith@texaspatents.com).

Respectfully submitted,

**Date:** November 4, 2008

/Kevin L. Smith/

Kevin L. Smith, Reg. No. 38,620  
Attorney for Applicant

**Garlick Harrison & Markison**  
P.O. Box 160727  
Austin, Texas 78716-0727  
(972) 772-8836/office  
(972) 772-5033/facsimile

**C.     Status of the Claims**

Claims 1-22 have been cancelled without prejudice. Claims 23-32 are pending. Claims 23-32 stand rejected under 35 U.S.C. 103(a). Claims 23-32 are being appealed. The Section 103(a) rejections were made generally under either Reed or the proffered combination of Reed in view of Wakuta (*see* Final Office Action mailed February 5, 2008 [*hereinafter* Final Office Action]), namely that:

a.       Claims 23-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,160,798, to Reed et al. (“Reed”).

b.       Claims 28-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of U.S. Published Application No. 2005/0221828 to Wakuta et al. (“Wakuta”).